

**MINUTE BOOK 25, PAGE 350
CITY OF STATESVILLE PRE-AGENDA MEETING – January 29, 2015
CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 4:30 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Costi Kutteh presiding:

Council Present: J. Johnson, Schlesinger, Morgan, West, Williams, M. Johnson, Phifer
(arrived at 4:50 p.m.)

Council Absent: Watt

Staff Present: Fugett, Gaines, Pressley, Davis, Currier, Salmon, Smyth, Hutchens,
Harrell, Anderson, Houpe, Cornelison

Others: Marin Tomlin

Media Present: John Hamlin-Statesville Record & Landmark, Dave Veiser-Charlotte
Observer

I Call to Order

Mayor Kutteh called the meeting to order and advised that City Council would hold an Executive Session following the meeting to discuss pending litigation, a land acquisition matter and to preserve the attorney-client privilege.

Mayor Kutteh advised that Secretary of Cultural Resources Susan Klutz will be in Statesville Thursday, February 5th from 11:00 a.m. to 12:00 p.m. She is visiting specific areas around the state promoting the reinstatement of the Historic Property Tax Credits. Mayor Kutteh asked that any Council members that are available at that time to convene in the City Hall lobby in support of this.

Mayor Kutteh reviewed the agenda as follows:

II Consent Agenda – All items below are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered with the other items listed in the Regular Agenda.

A. Consider approving the minutes of the January 08, 2015 Pre-Agenda meeting and the January 12, 2015 City Council meeting.

B. Consider approving the renewal of a lease agreement with Donnie Pennell for the old Brittain Lumber property.

Mayor Kutteh stated the City acquired this property for future airport expansion. Mr. Donnie Pennell was leasing the property from the former owner to operate a wood shaving storage business and teaching fast pitch softball. Mr. Pennell requested to continue the lease with the City and the City Council agreed to an annual lease of the property. His first lease term started on March 1, 2014 and is due to expire on February 28, 2015. The lease rate is \$600.00 per month and Mr. Pennell has been very timely with his payments and has kept the property in good condition. If approved, the new lease term will be March 1, 2015 through February 29, 2016.

Regular Agenda

III Consider options for repairing the Woods Drive dam.

Mayor Kutteh said that he, Council member Michael Johnson, Larry Pressley, Scott Harrell and Eddie Gaines met with the residents from the Woods Drive dam area regarding the options for the future of the pond and the dam.

Scott Harrell stated the City received a notice from the NC Department of Environment and Natural Resources (DENR) in November 2013 identifying several deficiencies of the Woods Drive dam, the primary concern being a seepage flow (leak) that was observed downstream of the dam. The notice was also addressed to three private landowners who are considered by DENR to be joint owners of the dam with the City. The notice directed

that the pond be drained and an engineer retained to determine the cause of the leak and to develop plans to address the leak and the other conditions listed in the notice (lack of bottom drain, trees on the dam, and lack of emergency action plan).

City forces drained the pond in December 2013 and have maintained the lowered water level, per DENR's instructions. The City has also contracted with Jewell Engineering Consultants and conducted investigative work in and around the dam embankment (Woods Drive) in an effort to locate the source of the seepage. An abandoned conduit was eventually located in the dam embankment; subsequent testing of this conduit indicated that it is the source of seepage through the dam. Total City expenditures for consulting and contracted services to date are approximately \$13,000.

Staff has developed cost estimates for the work necessary to address DENR's concerns regarding the dam. The total cost to repair the dam and restore the pond impoundment is estimated to be \$128,000. Of this total, approximately \$42,000 is for work necessary to stabilize the embankment beneath Woods Drive, and the remaining \$86,000 is required to satisfy DENR concerns specifically related to restoring and maintaining a dam.

An alternative to restoring the pond at this time is to install a culvert beneath Woods Drive such that the dam will no longer impound water. The estimated cost of this alternative is \$122,000. This would remove the dam from DENR's consideration at present (no longer considered a dam), but would preserve the option for future restoration of the pond.

Staff is seeking guidance in the following areas:

1. Whether to proceed with developing plans to repair the dam and restore the pond, or to develop plans to install a culvert to drain the pond. (Either option will require approval by DENR prior to commencing work.)

Repair Cost:

2. If the decision is made for the City to repair the dam and restore the pond, should all or a portion of the dam-related costs (\$86,000) be recovered from the dam co-owners and/or property owners around the pond?

Future Maintenance:

If the City is willing to accept future maintenance and repair responsibility for the dam, staff recommends establishing a municipal service district or similar mechanism to fund ongoing maintenance and capital costs associated with the dam. Staff has estimated maintenance and capital costs for the dam to be \$2,400 per year.

Mr. Harrell stated the residents have indicated they are interested in Option #1 and inquired about establishing a Municipal Service District. He advised the residents that he will research this and present the information at the first or second meeting in March.

Mayor Kutteh stated it was obvious from the tenor of the crowd that they were well informed and that Mr. Harrell has spent a lot of time with them. He thanked staff and said he felt the City has been very diligent in this matter.

IV Present the 2014 Mayor's Cup Award to Leroy Plyler.

V Downtown Statesville Development Corporation (DSDC) Board of Directors requests that the City of Statesville adopt a resolution supporting North Carolina's Historic Preservation Tax Credit Program to help restore the tax credits.
Mayor Kutteh stated that upon review of the proposed resolution it has been decided to remove paragraphs 5 and 14.

VI Consider accepting a Smart Communities Grant in the amount of \$4,000 and approve Budget Amendment #27.
Mayor Kutteh stated Council approved applying for this grant at the December 15, 2014 meeting. The grant funding will be used to relocate overhead power lines and a pole at the new E. Broad St. parking area.

VII Consider approving first reading of an ordinance to amend Chapter 20 of the City Code to allow for sidewalk displays in the downtown area.

David Currier stated there are two parts to this ordinance. The first part is corrective language to amend the hours that tables and chairs in the encroachment area and not surrounded by a barrier/enclosure may be displayed from 7:00 a.m. to 10:00 p.m. to 7:00 a.m. to 11:00 p.m. Eastern Standard Time (EST) to correspond with the permitted sale and consumption of beer, wine, liquor, and other fortified beverages that is allowed between the hours of 7:00 a.m. and 11:00 p.m., EST. The second part of the ordinance will allow for aesthetic furnishings and sidewalk displays in the downtown. If approved, the policy would be incorporated into the "Downtown Statesville Design Guidelines". The appointed Downtown Review Committee unanimously approved the attached policy.

VIII Consider approving a request from the Iredell Arts Council to install a sculpture on the property at 203 S. Meeting Street.

Mayor Kutteh stated Mr. Rogelio Calvo of the Iredell Arts Council (IAC) has requested approval to install a sculpture on the property at 203 S. Meeting Street. Mr. Bill Brown, whom designed and created the sculpture, has an extensive background in sculpture and has numerous exhibits and commissions throughout the eastern seaboard and particularly throughout the state. All costs associated with the sculpture will be provided for by the Iredell Arts Council. The sculpture itself will be covered under the IAC's liability insurance and is also insured by the artist himself. Both the Iredell County Commissioners and the Statesville Downtown Design Review Committee support the installation of the sculpture at 203 S. Meeting Street.

Council members agreed by consensus to move this item to the Consent Agenda.

IX Consider approving the award of Runway 28 Grooving and design work for the Precision approach Path Indicator and Runway End Identifier Lights, Consider Certification of local funds for the projects, and consider approving Budget Amendment #29.

Mayor Kutteh stated the remaining recaptured grant funds total \$303,755.00 and the required matching local fund amount is \$33,750.00. The bids for the pavement grooving came in over estimates. In order to get the low bid of \$382,020.20 within the cost scope, change order number one removes the reflective and non-reflective pavement markings from the low bid of \$104,100.00. The adjusted contract price will be \$277,920.20 and the pavement markings will be done by NCDOT through their pavement maintenance program. The balance of the money will allow for the design work for the PAPI and REIL's. Future grant funds will allow for the purchase and installation of the navigational equipment. The County has already approved their participation in the 50% local match.

X Consider approving Budget Amendment #28 for the Airport Layout Plan and Environmental Assessment for the South Parallel Taxiway.

Mayor Kutteh stated the grant from the NCDOT is in the amount of \$261,540.00. The matching funds from the City of Statesville and Iredell County are in the amount of \$29,060.00 which is 10% of the total project budget of \$290,600.00. The contract has been fully executed by the City and NCDOT.

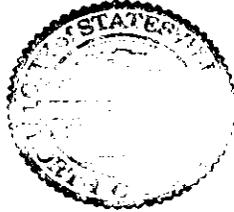
Referring to Item VII, Council member M. Johnson asked Mr. Currier what happened to the role of the Design Review Committee in this ordinance. He said it appears that every one of the items listed in the ordinance will require a specific permit from the City of Statesville staff and that as he recalled from the discussion the DRC was to have some license in approving the aesthetic composition of what goes on the street. He asked if a business owner would need to come to the City for a permit every time they wanted to move a flower pot. Mr. Currier replied the guidelines would be incorporated into the Downtown Statesville Design Guidelines so everybody would know the rules when they came in to get their permit. Council member M. Johnson asked what is the role of the Design Review Committee then in terms of evaluating the aesthetics of the display. Mr. Currier stated the guidelines are outlining the parameters or the scope of what it could and could not include. Mr. Pressley advised that the Downtown Statesville Design Guidelines are not included in Chapter 20 of the City Code. Referencing the ordinance Council member M. Johnson stated it appears to him that it states that City staff will be approving the permits not the Design Review Committee and that is not what was discussed. Mr. Currier stated this is very similar to the Outdoor Dining Guidelines whereby the applicant comes to staff to apply for a permit and staff reviews their plans against the guidelines and either approves it and issues the permit or does not approve

and works with the applicant to bring the plan into compliance with the guidelines. Staff will review this further to address Council member M. Johnson's concerns before Monday's meeting.

Council member West made a motion to move to Executive Session in accordance with N.C.G.S. 143-318.11(a)(5) to discuss a land acquisition matter and N.C.G.S. 143-318.11(a)(3) to preserve the attorney-client privilege, seconded by Council member Morgan. The motion carried unanimously.

Upon return to open session Mayor Kutteh advised that a land acquisition matter was discussed and the attorney-client privilege preserved. No action was taken.

There being no further business, Council member West made a motion to adjourn the meeting, seconded by Council member Morgan. The motion carried unanimously.




Constantine H. Kutteh, Mayor

Attest:


Brenda Fugett, City Clerk